

REMARKS

Claims 1-3, 7-9, 13-17, 20-22, 26-27, 30-31, 33-36, 40-53, and 55-59 are pending in the application. In this response, no claims have been amended. No claims have been cancelled. The applicant requests consideration of the following remarks and allowance of the claims.

Claims 1-3, 7-9, 13-17, 20-22, 26-27, 30-31, 33-36, 40-53, and 55-59 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Stuart et al. (U.S. Patent #6,639,982) in view of O'Brien (U.S. Patent # 6,587,831). Applicant respectfully traverses the rejection for at least the following reasons.

The Examiner's note invites the applicant to clarify the record as to exactly what the differences are between the present invention and linear programming or iterative summation. Applicant will attempt to make this clarification.

Optimization using linear programming (LP) involves the optimization of a linear objective function, subject to linear equality and inequality constraints. Put very informally, LP problems determine the way to achieve the best outcome (such as maximum profit or lowest cost) given some list of requirements represented as linear equations. More formally, given a polytope (for example, a polygon or a polyhedron), and a real-valued affine function defined on this polytope, the goal is to find a point in the polytope where this function has the smallest (or largest) value. Such points may not exist, but if they do, searching through the polytope vertices is guaranteed to find at least one of them.

Linear programs are problems that can be expressed in a canonical form of matrices and vectors. The variables are represented as a vector of variables. Thus, because each of the variables (agents) that are input to the linear program are in the vector of variables, all of the variables are considered simultaneously during the linear programming optimization process. (For a more detailed discussion of the characteristics of linear programming, see http://en.wikipedia.org/wiki/Linear_programming.)

This characteristic of linear programming, among others should be contrasted with applicant's independent claims that, for example, specify *calculating an effect of adding the first agent as if the first agent is the only agent being added*. Thus, applicant's claims specify considering each agent independently, not simultaneously as disclosed by the linear programming optimization process of Stuart.

Applicant would also like to note that O'Brien generates an optimized schedule. See column 4, lines 53-58: "The scheduling engine then generates an optimal schedule...." In order to produce an optimal solution, all of the input variables (agents) must be considered. That is because performing an optimization search while failing to consider even a single input variable may lead to a suboptimal solution with respect to the unconsidered variable. Thus, O'Brien also fails to disclose the *effect of adding the first agent as if the first agent is the only agent being added*.

Because Stuart and O'Brien both disclose optimization, applicant fails to see where iterative summation is disclosed in either of these references. Thus, applicant respectfully requests the Examiner point out with particularity where iterative summation is disclosed.

Accordingly, for at least the reasons given above, applicant respectfully submits that all of applicant's limitations are not disclosed, taught or suggested by the prior art. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) and MPEP 2143.03. Applicant respectfully submits that independent claims 1, 16, and 30 are therefore patentable over Stuart in view of O'Brien.

The dependent claims, while separately allowable over the art of record, depend from otherwise allowable independent claims. The applicant therefore refrains from a discussion of the dependent claims for the sake of brevity.

CONCLUSION

The claims in their present form are allowable over the art of record. The applicant therefore solicits their allowance

The applicant believes no fees are due with respect to this filing. However, should the Office determine that additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 63059.

Respectfully submitted,

/Alexander J. Neudeck/

SIGNATURE OF PRACTITIONER

Alexander J. Neudeck, Reg. No. 41,220

Setter Roche LLP

Telephone: (720) 562-2280

Correspondence address:

CUSTOMER NO. 63059

Setter Roche LLP

P.O. Box 780

Erie, CO 80516